

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROY LEE JOHNSON, §
Plaintiff, §
v. § CIVIL ACTION H-05-3736
HOUSTON POLICE DEPARTMENT, §
Defendant. §

MEMORANDUM OPINION AND ORDER

The plaintiff in the above-styled cause has not responded to this court's order of January 26, 2006, which required the plaintiff to submit a more definite statement of the facts on which his complaint is based no later than February 27, 2006. See Order for More Definite Statement, Docket Entry No. 4. The court's Order specifically provided that "(f)ailure to comply as directed may result in the dismissal of this action." Id. The plaintiff's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. See FED. R. Civ. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). The plaintiff

is advised, however, that upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). See Link, 82 S.Ct. at 1391.

Accordingly, it is hereby **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution.

The Clerk shall provide copies of this Memorandum Opinion and Order to the parties.

SIGNED at Houston, Texas, on this 7th day of March, 2006.



SIM LAKE
UNITED STATES DISTRICT JUDGE